

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

2014 OCT -3 PM 4: 08

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY

DEPUTY

HARRIS O'MALLEY,
Plaintiff,

A-13-CA-01019-SS

-vs-

YASHAR HEDAYAT,
Defendant.

ORDER

BE IT REMEMBERED on July 16, 2014 this Court entered its order denying the plaintiff default judgment as there has been no lawful service on any defendant in this case. This lawsuit was filed on November 25, 2013. On March 5, 2014, the undersigned entered an order that there was no proof of service and the case would be dismissed by March 25, 2014. Subsequently, the plaintiff requested additional time to perfect service and an order on April 4, 2014 gave him until April 25, 2014 to obtain service. Thereafter, counsel for the plaintiff requested a default judgment, which was denied on July 15, 2014, as there continued to be no lawful service on any defendant in this case. In the order of July 15, 2014, the Court further ordered that the plaintiff's(s') counsel had an additional thirty days in which to obtain new summons and attempt to serve the defendant or his agent through the Federal rules of Civil Procedure by substituted service, if appropriate. No request for summons nor any other filing has been made since that order.

IT IS THEREFORE ORDERED that the above styled and numbered cause is
DISMISSED WITHOUT PREJUDICE for the failure to diligently prosecute this case.

SIGNED this the 3rd day of October 2014.



SAM SPARKS
UNITED STATES DISTRICT JUDGE

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